



1655

Express Mail No. EL 451 599 995 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kessler, et al.

Confirmation No.:

Serial No.: 09/530,929

Art Unit: 1655

Filed: February 8, 2001

Examiner: Sisson, B.

For: SPECIFIC AND SENSITIVE
NUCLEIC ACID DETECTION
METHOD

Attorney Docket No: 1803-303-999

COMMUNICATION

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APR 16 2003

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

Applicants enclose herewith a Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 with Statement Under C.F.R. 3.73(b) executed by Dr. Michael Jung, Vice President and Dr. Ralf Schwarz, Director, of Roche Diagnostics GmbH on October 8, 2002.

Applicants believe that no fee is required with submission of the enclosed Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. 3.71 with Statement Under C.F.R. 3.73(b). However, if it is found that a fee is necessary, please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150 (order no. 1803-303-999).

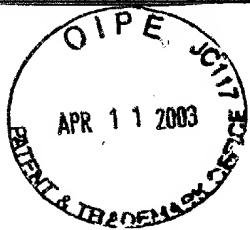
Respectfully submitted,

Date: April 11, 2003

42,983

(Reg. No.)

for:
Rahul Pathak
Nikolaos C. George (39,201)
PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 493-4935



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kessler *et al.*

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Application No.: 09/530,929

Group Art Unit: 1655

APR 16 2003

Filed: May 4, 2000

Examiner: Sisson, B.

TECH CENTER 1600/2900

For: SPECIFIC AND SENSITIVE NUCLEIC
ACID DETECTION METHOD

Attorney Docket No.: 1803-303-999

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER C.F.R. 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), Kenneth L. Stein (Reg. No. 38704), Nanda K. Alapati (Reg. No. 39,893), Andrew J. Gray (Reg. No. 41,796), Henry C. Lebowitz (Reg. No. 36,196) and Karen G. Horowitz (Reg. No. 35,199), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 24341), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

POWER OF ATTORNEY

In addition, the undersigned assignee also appoints: George Jen (Reg. No. 39,329) and Jennifer Haynes (Reg. No. 48,868) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to:

Roche Molecular Systems, Inc.
1145 Atlantic Avenue
Alameda, California 94501

I am the:

Applicant/Inventor
 Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

Statement Under 37 C.F.R. 3.73(b)

Roche Diagnostics GmbH states that it is:

the assignee of the entire right, title, and interest; or
 an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

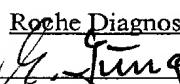
Copies of assignments of other documents in the chain of title are attached.

POWER OF ATTORNEY

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: October 08, 2002

ASSIGNEE:	ppa. <u>Roche Diagnostics GmbH</u> i.V.
Signature:	
Typed Name:	Dr. Michael Jung
Position/Title:	Vice President Director
Address:	Sandhofer Strasse 116, D-68305 Mannheim, Germany



Express Mail No. **EL 451 599 995 US**

RECORDATION FORM COVER SHEET
PATENTS ONLY

Attorney Docket Number
1803-0303-999

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Box Assignment
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Christoph Kessler; Gerd Haberhausen; Knut Bartl; and Henrik Orum		2. Name and address of receiving party(ies) Name: <u>Roche Diagnostics GMBH</u> Address: <u>Sandhoferstr 116</u> <u>D 68305 Mannheim</u> <u>GERMANY</u>	
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment Merger <input type="checkbox"/> Security Agreement Change of Name <input type="checkbox"/> Other		Country (if other than USA): <u>GERMANY</u>	
Execution Date: <u>02/12/02; 11/18/02; 11/18/02; and 11/17/02</u>			
4. Application number(s) or patent number(s): <u>09/530,929</u>			
If this document is being filed together with a new application, the execution date of the application is:			
A. Patent Application No.(s)		B. Patent No.(s)	
Additional numbers attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, California 94304		6. Number of applications and patents involved:	<u>1</u>
		7. Total fee (37 CFR 3.41):\$ <u>40.00</u> Please charge to the deposit account listed in Section 8.	
		8. Deposit account number: <u>16-1150 (order no. 1803-303-999)</u>	
DO NOT USE THIS SPACE			
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>			
Rahul Pathak For: Nikolaos C. George (39,201) Name of Person Signing		42,983 Signature Reg. No.	April 11, 2003 Date
Total number of pages including cover sheet: <u>5</u>			

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignment
Washington, D.C. 20231

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APR 16 2003

TECH CENTER 1600/2900

ASSIGNMENT

WHEREAS, We, **Christoph Kessler**, **Gerd Haberhausen** of Germany, **Knut Bartl** of Germany, residing in the United States of America and **Henrik Orum** of Denmark, hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements, which are described and claimed in an application, provisional or otherwise, for United States Letters Patent entitled

“SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD”

and identified by Serial No: **09/530,929**

Filing Date: **May 4, 2000**

WHEREAS, **ROCHE DIAGNOSTICS GMBH** of Sandhoferstr. 116 - D-68305 Mannheim, Germany, an company organized under the Laws of Germany, hereinafter referred to as **ASSIGNEE**, is desirous of acquiring the entire right, title and interest in and to the said invention and application and in any United States Letters of Patent which may be granted on the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for valuable consideration, receipt of which is hereby acknowledged, **ASSIGNORS** have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters of Patent which may hereafter be granted on the same in the United States including any application claiming priority under 35 U.S.C. §119(e), divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, reexaminations, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNORS** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

UPON said consideration, **ASSIGNORS** do hereby covenant and agree with the said **ASSIGNEE** that **ASSIGNORS** will not execute any writing or do any act whatsoever conflicting with these presents. **ASSIGNORS** further agree that they will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as **ASSIGNEE** lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, in enforcing any rights or choses causes? in action accruing as a result of such applications or patents, including but not limited to, giving testimony in any proceedings or transactions involving such applications or patents and executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN TESTIMONY WHEREOF, this assignment has been executed by the **ASSIGNORS**

Christoph Kessler
Christoph Kessler, *C.K.*

at Pangborn

Nov-18/2002
Date

WITNESSES

No. and Street

Annette Bartl

1/16 at Penkay
Gerd Haberhausen

WITNESSES



at _____
Knut Bartl

02.12.02
Date

COPY
VIDENCE
G. ~~SECRET~~
DO NOT RECORD

Date

WITNESSES

at _____
Henrik Orum

_____ Date

WITNESSES

Gerd Haberhausen

at _____

WITNESSES

K. Bartl
Knut Bartl

at Pleasanton, CA

Date

EVIDENCE
COPY
ONLY
NOT
RECORD

Date

WITNESSES

Jim Christian

Sue Flanagan

Henrik Orum

at _____

_____ Date

WITNESSES

Gerd Haberhausen

at _____

Date

WITNESSES

Knut Bartl

at _____

Date

WITNESSES

EVIDENCE
COPY
ONLY
NOT RECORD

Henrik Orum

at COPENHAGEN
DENMARK

NOV 17th, 2002

Date

WITNESSES

Ann-Mari Ørum
Vildrosevej 3, Hørsholm
DK-3500 Værløse

L. Gerd Kristensen, Ph. D. Management
Filzørsvej 24. DK-3450 Allerød

Ruth Cipollaad
Engstedet 3
DK-3500 Værløse